IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 7584 OF 2005
IN
CRIMINAL APPEAL No. 580 OF 2005

Shirish Ramdas Ner . . . APPLICANT

Vs.

The State of Maharashtra . . . RESPONDENT

....
Mr. A. P. Mundergi, Senior Counsel with
Mr. A. P. Runwal Advocate for Applicant.
Mr. Rajesh More, APP for the State/Respondent.
....

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : FEBRUARY 15, 2006.

P.C.

1. Heard Mr. A. P. Mundergi, the learned counsel for applicant and Mr. Rajesh More, the learned APP for the State/respondent.

2. The applicant is seeking bail. The learned counsel for applicant submits that applicant has been convicted under Section 498-A and 306 of Indian Penal Code. Maximum sentence imposed on the applicant is five years. The learned counsel has submitted that applicant was on bail, pending trial and the liberty granted to the applicant has not been misused by him. This statement has not

been controverted by the prosecution.

3. Mr. A. P. Mundergi has further submitted that the evidence relating to cruelty in respect of the applicant is rather vague. On perusal of the evidence, prima facie I find some merit in this submission. Mr. Mundergi further submitted that applicant has been in custody for over nine months.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat** reported in **(1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined to grant bail.

5. Applicant be released on bail in the sum of Rs. 25,000/- (Rs. Twenty five thousand only) with one or two sureties to make up the said amount. The appellant shall report to Ambad Police Station, district Nashik, once in a month i.e. on first Sunday of every month, during pendency of the appeal.

Application is allowed in above terms.

[SMT.V.K.TAHILRAMANI,J.]